

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ISE LOGIK INDUSTRIES, INC.

PLAINTIFF

v.

CIVIL ACTION NO. 1:23-cv-40-TBM-BWR

**ENDURACON TECHNOLOGIES,
INC.; *and* ENDURACON
TECHNOLOGIES, LLC**

DEFENDANTS

ORDER

This matter came before the Court on the Defendants’ Motion to Dismiss [4] and ISE Logik Industries, Inc.’s Motion for Preliminary Injunction, Motion to Stay Arbitration [7]. At the hearing conducted on June 22, 2023, the Court, having considered the pleadings, the record, the oral arguments of counsel, and the relevant legal authority, announced on the record its detailed findings and conclusions.


The Defendants’ motion is granted; this Court cannot exercise personal jurisdiction over them. ISE Logik has not demonstrated that this Court could exercise jurisdiction over the Defendants without violating the Fourteenth Amendment’s Due Process clause. First, there are no real allegations that Enduracon was physically present in Mississippi or performed any actions in Mississippi. *Sangha v. Navig8 ShipManagement Priv. Ltd.*, 882 F.3d 96, 101 (5th Cir. 2018). Next, the contacts with Mississippi that ISE Logik alleges—telephonic and electronic communications, sending or receiving payments, the substance of the contract, a Mississippi choice of law provision, and ongoing business relationships—are insufficient to sustain personal jurisdiction. *See Walden v. Fiore*, 571 U.S. 277, 283-86, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); *Def. Distributed v. Grewal*, 971 F.3d 485, 495 (5th Cir. 2020); *Int’l Energy Ventures Mgmt., L.L.C. v. United Energy Grp., Ltd.*, 818 F.3d 193, 212 (5th Cir. 2016); *Monkton Ins. Servs., Ltd. v. Ritter*, 768 F.3d 429, 433 (5th Cir. 2014);

Pervasive Software Inc. v. Lexware GmbH & Co. KG, 688 F.3d 214, 224 (5th Cir. 2012); *McFadin v. Gerber*, 587 F.3d 753, 760 (5th Cir. 2009). See also *Design Precast & Pipe, Inc. v. Brown Indus. Constr., LLC*, --- F.Supp.3d ---, 2023 WL 2750617, *5-7 (S.D. Miss. 2023); *Trustmark Nat. Bank v. Sevier Cnty. Bank*, No. 3:13-cv-527-HSO, 2014 WL 4816154, at *5 (S.D. Miss. Sept. 24, 2014).

Because this Court lacks personal jurisdiction over this suit, it also cannot issue injunctions or stays related to this suit. *Enterprise Intern., Inc. v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 471 (5th Cir. 1985). Thus, ISE Logik's motion must be denied as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on June 21, 2023, the Defendants' Motion to Dismiss [4] is GRANTED and ISE Logik's Motion [7] is DENIED AS MOOT. This case is DISMISSED WITHOUT PREJUDICE.

THIS, the 22nd day of June, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE